

**MINUTES OF THE MEETING OF THE  
BOARD OF FUNERAL DIRECTING AND EMBALMING**

January 28, 2016

These minutes were  
approved by the Board on  
4/21/2016

**1. ROLL CALL**

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, Vice-Chair, at 8:33 a.m., in the Nebraska State Office Building, Lower Level Conference Room D, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law. The following members answered roll call:

**Members Present**

Steven Brunken	Vice-Chairperson
Leo Seger	Member
Arvid Wiest	Member

**Others Present**

Ed Vierk	Assistant Attorney General
Ami Huff	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Teresa Hampton	Department Attorney
Public	

A quorum was present and the meeting convened.

Leo Seger was introduced as the newest member on the Board.

**2. ADOPTION OF AGENDA**

**MOTION:** Wiest moved, seconded by Seger, to adopt the agenda. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**3. APPROVAL OF MINUTES (10-14-15)**

**MOTION:** Wiest moved, seconded by Brunken, to approve the minutes of 10-14-15. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

**4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Seger moved, seconded by Wiest, to enter into closed session at 8:36 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

8:36 a.m.                -                Hampton and public departed meeting

**MOTION:** Weist moved, seconded by Seger, to return to open session at 9:16 a.m. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

## **5. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

### **Convictions/Reinstatements/Administrative Penalties**

#### **Eric Bopp – Apprentice-Full**

**MOTION:** Wiest moved, seconded by Seger, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

## **6. NEW BUSINESS**

### **a. Updates/Issues**

The members discussed when a funeral director had to be present relating to final disposition of cremated remains. The members stated the following position:

A funeral director would not have to be at the burial of the cremated remains but that the cemetery may request a funeral director to be present. The members discussed that final disposition is when the cremated remains are given to the family so a funeral director would not be required to be at the service or burial of the cremated remains.

- **Nebraska Funeral Directing Association (NEFDA)**

There will be a tri-state convention in May.

- **International Conference of Funeral Service Examination Board, Inc. (ICFSEB)**

The ICFSEB meeting will be in February in California. Brunken will be attending. Wiest applied for a grant through ICFSEB and was accepted.

### **b. Reports**

- **Disciplinary and Non-Disciplinary Action Reports**

Chiles distributed the report for the period of 1-1-15 to 1-27-16.

- **Licensure and Examination Statistics**

Chiles reported the following examination results for 1-1-15 to 1-27-16:

Jurisprudence - 12 pass, 3 fail

Vital Statistics – 12 pass

National Arts – 16 pass, 3 fail

National Science – 16 pass, 3 fail

Open Book Jurisprudence – 86 passed, 2 failed

Chiles reported the following statistics:

Apprentice-Full	16
Apprentice-Split 1	3
Apprentice-Split 2	0
Brach Establishment	109
Embalmer	1
Funeral Director	4
Funeral Director & Embalmer	425
Funeral Establishment	170

Chiles reported total Administrative Penalty Fees assessed for the profession of \$15,200.

Chiles asked the Board what percentage of renewal applications they would like to be audited. The Board requested 3 percent.

**c. Method for Noticing Meetings**

The Board agreed to continue the same process of noticing meetings as in 2015.

**d. Assigned Inspection Areas and Inspection Training**

The Board discussed establishing a contract with Bangert and Kucera.

Chiles reported on LB 791 and LB 859.

LB791 addresses Statute 38-1424 pertaining to actions in the vicinity of the deceased. LB791 strikes "in the presence of a dead body." This deletion is merely an effort to recognize that reporting and enforcement would be virtually impossible, and as such, is an antiquated piece of statute that should be removed.

LB859 amends statutes in the Uniform Credentialing Act related to cease and desist orders from Nebraska licensing boards to prevent violations of federal antitrust law in light of a recent U.S. Supreme Court decision, *North Carolina State Board of Dental Examiners v. Federal Trade Commission*. The bill ensures the members of state licensing boards continue to receive the state's immunity from federal antitrust lawsuits while performing their duties related to addressing unlicensed practice of professions. The bill moves the authority to issue cease and desist orders from the individual boards, to the director of the Division of Public Health with the recommendation of such board.

The Board took a neutral position on LB 791.

9:58 a.m. - Break  
10:29 a.m. - Meeting resumed

The Board had a discussion on what was the definition of arrangements and the definition of funeral directing. It was agreed the following items would be further discussed at the April meeting: 1) Further define burial of cremated remains; 2) Refining time frame; 3) Look at rules and regulations and statutes to see if other areas may require revision; and 4) Further define funeral directing.

**e. Elections and Appointments**

**• Chair, Vice-Chair, Secretary (election)**

**MOTION:** Wiest moved, seconded by Seger, to elect Brunken as Chair. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**MOTION:** Seger moved, seconded by Brunken, to elect Wiest as Vice-Chair. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**MOTION:** Wiest moved, seconded by Brunken, to elect Seger as Secretary. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

- **Investigative Consultant (appointment)**

**MOTION:** Seger moved, seconded by Wiest, to appoint Brunken as Investigative Consultant. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**f. Score and Review Licensure Jurisprudence Examination – Closed Session**

**MOTION:** Seger moved, seconded by Wiest, to enter into closed session at 10:43 a.m. to score and review the jurisprudence examination. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**8. Unfinished Business**

**a. Examination Revision Discussion – Licensure and Continuing Education Jurisprudence – Closed Session**

**b. Other – Open Session**

**MOTION:** Seger moved, seconded by Wiest, to return to open session at 11:58 a.m. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

**9. ADJOURNMENT**

**MOTION:** Wiest moved, seconded by Seger, to adjourn. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Motion carried.

There being no further business, the chair declared the meeting adjourned at 11:58 a.m.

Respectfully submitted,

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Leo Seger, Secretary  
Board of Funeral Directing and Embalming

Next Meeting: 4-21-16

Summarized by: Nancy Herdman, Health Licensing Coordinator